

Permit amendment LEM05-00126



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 488-4710 www.leoncountyfl.gov

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PARWEZ ALAM
County Administrator

HERBERT W.A. THIELE
County Attorney

February 07, 2006

Mr. O. Z. Lawson
976 Rosebay Ct.
Tallahassee, FL 32312

Growth & Environmental Management
3401 West Tharpe Street
Tallahassee, FL 32303

INSPECTOR'S COPY

**Re.: Lakewood Business Center
Environmental Permit Amendment - LEM05-00126
Parcel ID. No.: 21-06-51-000-019 0**

Dear Mr. Lawson,

In light of the information presented during the January 24th, 2006 Board of County Commissioners Meeting, the after-the-fact environmental permit (LEM05-00126) previously issued is hereby amended to require providing a buffer with a planting density that would attain the pre-clearing buffer density (as was demonstrated at the county commission meeting). The authority for this amendment is found in Sec. 364(a)(2) of the Leon County Land Development Regulations.

The area "parcel ID. No.: 21-06-51-000-019 0" shall be replanted as shown in the attached plan and undergo the following mitigation procedures:

1. Remove all gravel material from within the boundaries of parcel ID. No.: 21-06-51-000-019 0.
2. Un-compact the area previously used for parking by disking or other similar approved method, then seed & mulch.
3. The total number of trees to be planted is 10 (5 live oaks, and 5 Magnolias) with a minimum 2-inch caliper. See attached plan.
4. The total number of understory trees is 10 (Wax Myrtle) with a minimum 7 to 10 gallon containers planted as shown in the attached plan.
5. The proposed plants shall be maintained (irrigated and fertilized as recommended). The environmental inspector will conduct three inspections (June 2006, September 2006, and March 2007) following issuance of this permit amendment to verify viability and establishment of the required plantings.

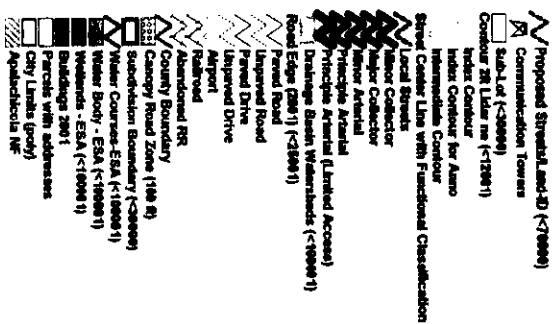
Please be advised that all other items listed in the original permit are still applicable (i.e. special conditions, etc...).

I have attempted to reach you on the telephone, to discuss this amendment, but was not successful. Please feel free to contact me if you have any questions concerning this permit amendment letter.

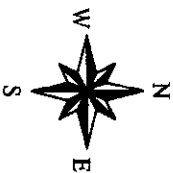
With Regards,
Leon County Growth & Environmental Management

Nawfal R. Ezzagaghi, P.E.
Environmental Review Supervisor

40



INSPECTOR'S COPY



Letter clarifying the deadline for completion of permit requirements

BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street
Tallahassee, Florida 32301
(850) 488-4710



Department of Growth and
Environmental Management
3401 West Tharpe Street
Tallahassee, FL 32303
(850) 488-9300

Commissioners:

WILLIAM C. PROCTOR, JR.
District 1

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TONY GRIPPA
District 4

BOB RACKLEFF
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ED DEPUY

At-Large

CLIFF THAELL
At-Large

PARWEZ ALAM
County Administrator
(850) 488-9962

HERBERT W A THIELE
County Attorney
(850) 487-1008

February 21, 2006

Ormand Lawson and Lynne Lawson
976 Rosebay Ct.
Tallahassee FL 32312

RE; Lakewood Business Center Metzke Lane Tax Parcel ID #: 2106510000190
LEM0500126

Dear Mr. and Mrs. Lawson:

This is to inform you that the deadline date for meeting the conditions of the Environmental Permit Amendment to LEM0500126 is March 9, 2006. This is based on the date the amendment was issued and the letter sent to you dated February 7, 2006 and item 5b of the special conditions for LEM0500126, which states, "if the property is not rezoned: Gravel will be removed within 30 days."

You are welcome to call **Nawfal Ezzagaghi, Environmental Review Supervisor**, at 488-9300 if you need further guidance on how to come into compliance or you can contact me at 544-0827.

Sincerely,

Jerry Zagroba
Environmental Compliance Specialist.

Email correspondence in regards to the main parcel pond retrofit permit

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From: Nawfal Ezzagaghi
To: Bass, Robert; McDevitt, David
Date: 03/08/2006 11:35:28 AM
Subject: Fwd: RE: Lawson

Good Morning,

Mr. Lawson's consultant submitted an environmental permit application this morning for the placement of the gravel to within his parcel (i.e. remove from the buffer area and into his parcel).

As soon as intake processes the application, I will do my best to review and respond (hopefully by issuing the permit since staff already met with the engineer on multiple occasions on this issue) no later than tomorrow.

Hopefully this would resolve matters and allow Mr. Lawson to proceed forward.

NRE

Leon County Growth & Env. Mgmt
Nawfal R. Ezzagaghi, P.E.
Environmental Review Supervisor
Phone (850) 606-1300
Fax (850) 606-1301

Letter from Lawson re. target time frame for compliance

March 17, 2006

Mr. Nawfal R. Ezzagaghi
Environmental Review Supervisor
Leon County Growth & Environmental Management
3401 West Tharpe Street
Tallahassee, FL. 32303

Re: Vehicle Parking on Property Zoned Residential -3 (R-3)

Dear Mr. Ezzagaghi,

I am writing this letter in response to the complaints of vehicles parking on, and gravel spread on our land zoned R-3. I am in the process of obtaining prices from site contractors to do the work on the adjacent lot for which I already have a permit. I should have a contract in place within two weeks and will be starting work as soon as possible. I will have the site contractor move the gravel from the R-3 lot to the new gravel storage area installed on the adjacent lot. It is our full intention to be in compliance.

After I have awarded the contract I will get a scheduled completion date from the site contractor which I will forward on to you.

If you have any further questions please give me a call. 509-7588

Thank you,



Rowdy Lawson

**Letter from Lawson requesting extension
(w/ copy from his attorney's
correspondence w/ GEM)**

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April 14, 2006

Mr. Nawfal R. Ezzagaghi
Environmental Review Supervisor
Leon County Growth & Environmental Management
3401 West Tharpe Street
Tallahassee, FL. 32303

Dear Mr. Ezzagaghi,

I am writing this letter in response to the phone calls made to me by Jerry Zagroba. At our last meeting I was under the assumption we would be having the next commission meeting in a few weeks and since have found out it could be much longer. At the writing of my letter I thought the issues would be resolved one way or another before it came to a head.

Since the last commission meeting we have been able to meet with several commissioners on site and explain our side of the story. I believe each one of them agreed with us, some with additional stipulations, adding more buffers etc. We plan to be in full compliance, but I cannot spend thousands of dollars to move the gravel and then move it right back, if were successful at the next commission meeting.

I am asking again, can somehow put this issue in limbo until we have a commission meeting voicing our side? I know you are under a directive from the commissioners at the last meeting, but since then I think the circumstances have changed.

I am also including a copy of the letter from my attorney stating the same. Please forward the attorneys letter to anyone who could help me in this matter.

If you would like to talk to me again in person, I am at your convenience.

Sincerely,



Rowdy Lawson

(850) 509-7588

03/23/06 12:09:12

Broad and Cassel->

850 562 4111 RightFax

Attachment # 9
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215 SOUTH MONROE STREET
SUITE 400
TALLAHASSEE, FLORIDA 32301
P.O. DRAWER 11300 (32302)
TELEPHONE: 850.681.6810
FACSIMILE: 850.681.9792
www.broadandcassel.com

JAY ADAMS, P.A.
EMAIL: jadams@broadandcassel.com

March 6, 2006

VIA HAND DELIVERY

Mr. Nawfal R. Ezzagaghi
Environmental Review Supervisor
Leon County Growth & Environmental Management
3401 West Tharpe Street
Tallahassee, FL 32303

Re: Environmental Permit LEM05-00126.

Dear Mr. Ezzagaghi,

I am writing on behalf of my client, Mr. O. Z. Lawson, to request, pursuant to Leon County Ordinance 10-311.1, that the time for completion of Items 1 and 2 to the amendment to Environmental Permit LEM05-00126 be extended for a period of one year.

The required plantings have been made and they will be watered and fertilized to insure that they remain healthy.

It is Mr. Lawson's intent to apply for rezoning of Parcel 21-06-51-000-190-0 from R-3 to OR-2 later this year. The parcel currently exceeds the Type D buffer requirements. The buffer is 37 feet in width and has more than the number of required plants. The plants should provide a visual buffer for his residential neighbors as they grow this spring. Mr. Lawson has also met with some of his residential neighbors to discuss providing additional buffering if necessary. In the interim, he would like to leave the site as it is until this matter is resolved. Mr. Lawson believes that it would cause more harm to the environment to remove the gravel and loosen the soil as is required by the permit. There is no adverse environmental impact in leaving the site as it is. If this request for rezoning is denied, Mr. Lawson will remove the gravel and loosen the soil in accordance with the amended permit.

Mr. Lawson has retained the engineering firm of George & Hutcheson to undertake the necessary studies, apply for the appropriate permits, and prepare the rezoning application on his behalf. We believe that the application will be filed in the next 2 to 3 months. This should leave sufficient time to have the matter heard and decided by the County Commission before the requested expiration of the permit.

If you have any questions or concerns about this request, please feel free to call me.

Let me thank you in advance for your attention to this request.

BOCA RATON • DESTIN • FT. LAUDERDALE • MIAMI • ORLANDO • TALLAHASSEE • TAMPA • WEST PALM BEACH

TLHIVREALEST105997.1
32964/0001 3/7/2006 11:20 AM

*Application has
Been Filed & Scheduled
for next meeting*

03/23/06 12:09:37

Broad and Cassel->

850 562 4111 RightFax

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Mr. Nawfal R. Ezzagaghi
March 6, 2006
Page 2

Sincerely,

BROAD AND CASSEL

Jay Adams

JA:ja

cc: Board of County Commissioners
Herb Thiele, Esquire

Email correspondence giving directions to move forward w/ enforcement

Attachment # 9
Page 15 of 18

From: Nawfal Ezzagaghi
To: Bass, Robert
Date: 04/17/2006 2:57:07 PM
Subject: Lawson's Violation

Good Afternoon,

Upon further discussion with various parties, and due to the clear Board of County Commissioners directives, we are required to move forward with this case.

If we obtain different directives from the Board or the County Administrator, I will advise you and the applicant.

If I may be of further assistance, please let me know.

Cordially,
NRE

Leon County Growth & Env. Mgmt
Nawfal R. Ezzagaghi, P.E.
Environmental Review Supervisor
Phone (850) 606-1300
Fax (850) 606-1301

CC: Kraynak, John; McDevitt, David; Zagroba, Jerry

* Note: A copy was faxed to Rowdy Lawson
@ 15:01 hours.

Please add this to the file.

Thanks.
Warpel.

Letter from GEM to Lawson “Notice of Violation”

BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street
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Environmental Management
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At-Large

PARWEZ ALAM
County Administrator
(850) 488-9962

HERBERT W.A. THIELE
County Attorney
(850) 487-1008

Notice of Violation Hand Delivered

April 19, 2006

Ormand Lawson and Lynne Lawson
976 Rosebay Ct.
Tallahassee FL 32312

RE; Lakewood Business Center Metzke Lane Tax Parcel ID #: 2106510000190
Environmental Permit Amendment to LEM0500126

Dear Mr. and Mrs. Lawson:

An inspection was performed on April 13, 2006, on the above referenced property. The inspection relieved that the conditions of the permit have not been met as specified in the Environmental Permit Amendment to LEM0500126 and in a letter dated February 21, 2006, where the deadline was set for March 9, 2006. The inspection revealed that the gravel had not been removed and the other conditions have not been met.

You are advised that the site referenced above may be in violation of the following Section of the Leon County Code.

Section 10-171(b) which states where a permit has been obtained it shall be a violation for any person authorizing or undertaking such activities to fail to comply with the requirements of the approved permit and any conditions attached;

The Notice of Violation is directed not only to the land owner but also the person or firm actually performing the physical labors of clearing, filling, cutting, or other site work.

To bring this site into compliance with the Leon County Code you are being given seven days from receipt of this letter to perform the requirements of the Amended permit and call for final environmental inspection.

Failure to comply within this time frame could result in Code Enforcement Board referral.

If you have any questions regarding this Notice of Violation please contact me at (850)544-0827 or 606-1300

Sincerely,


Jerry Zagroba
Environmental Compliance Specialist